IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 9TH MARCH 2007 / 18TH PHALGUNA 1928

WP(C).No. 7152 of 2007(B)

PETITIONER:

C.K.JOSHY, S/O. C.P.KRISHNAN,
AGED 27 YEARS, CHANAYIL HOUSE, PORKULAM,
THRISSUR DISTRICT.

BY ADV. SRI.HARISH R. MENON

RESPONDENTS:

1. THE DISTRICT COLLECTOR,
MALAPPURAM.

2. THE TAHSILDAR,
PONNANI TALUK, MALAPPURAM DISTRICT.

3. TRIPRANGODE GRAMA PANCHAYATH,
TRIPRANGODE, MALAPPURAM DISTRICT,
REPRESENTED BY ITS SECRETARY.

4. THE SUB INSPECTOR OF POLICE,
CHANGARAMKULAM POLICE STATION,
CHANGARAMKULAM, MALAPPURAM DISTRICT.

R1, R2 & R4 BY ADV. SMT. T.B. RAMANI., GOVT. PLEADER.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 7152 OF 2007

Dated this the 22nd day of February, 2007

JUDGMENT

The learned Government Pleader has placed before me a copy of the written instructions received from the Tahsildar. According to these instructions the Sub Inspector seized the vehicle because the driver was not able to produce the pass for transportation of river sand and since it was noticed that the relevant rules have been violated. It is further stated in the instructions that the matter has been reported to the District Collector for taking appropriate action. Sri.Harish R. Menon, counsel for the petitioner would invite my attention to Ext.P2 and submit that Ext.P2 permit was actually shown to the Sub Inspector who was not in a mood to look at it. I do not propose to consider the above controversy. However, I think that nobody gets benefit by making the lorry and load idle in the premises of the local police station. Accordingly, there will be an interim order in the following terms:

The petitioner will remit a sum of Rs.10,000/- by cash with the 2nd respondent. He will also file an affidavit before the 2nd respondent undertaking to produce the lorry having registration No.KL-8/Y-6027 in good running condition before the 1st respondent or any other competent authority as and when directed in that regard. Once the 4th respondent

receives the original of cash receipt and also the photostat copy of the affidavit submitted by the petitioner as directed above, he will release the tipper lorry and the load forthwith to the petitioner. The 1st respondent-District Collector will complete the adjudication proceedings early, at any rate, within four months of receiving copy of this judgment. It is made clear that the release of the lorry and load as directed above will be subject to the final outcome of the adjudication proceedings before the 1st respondent.

PIUS C. KURIAKOSE, JUDGE

btt